

AO 247 (02/08) Order Regarding Motion for Sentence Reduction

## UNITED STATES DISTRICT COURT

for the

District of New Jersey

United States of America )

v. )

Franklin Infante )

Case No: 02-26(KSH)

USM No: 01-7123

Date of Previous Judgment: 8/11/03  
(Use Date of Last Amended Judgment if Applicable)

Chester Keller, AFPD

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 140 months is reduced to 120.

## I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 31Amended Offense Level: 29Criminal History Category: Criminal History Category: Previous Guideline Range: 155 to 188 monthsAmended Guideline Range: 108 to 135 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

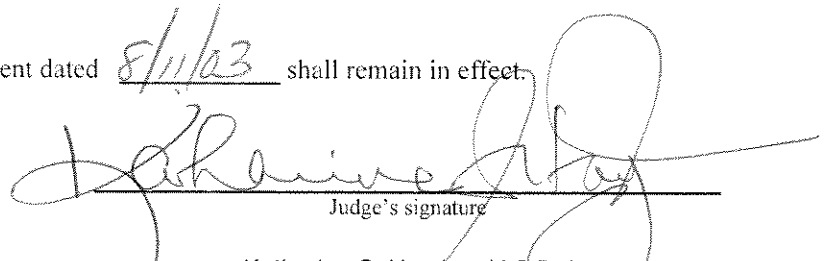
- ☒ The reduced sentence is within the amended guideline range.  
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.  
☐ Other (explain):

## III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 8/11/03 shall remain in effect.

IT IS SO ORDERED.

Order Date: 7/29/08

  
 Judge's signature

Effective Date:   
(if different from order date)

Katharine S. Hayden, U.S.D.J.

Printed name and title